

Remarks

The restriction requirement mailed June 22, 2004, has been reviewed and carefully considered. Claim 84 has been amended to correct its dependency. Applicants hereby elect the claims of Group (I) in reply to the restriction requirement, but with traverse for the reasons explained below. Claims 84 and 85 are not mentioned in the restriction requirement, but it is submitted that they should be included in Group I since they depend from claim 33. Claims 115 and 116 also are not mentioned in the restriction requirement, but they should be included in Group III since they are process claims. It is further noted that the Office Action Summary does not list claim 44 as pending although claim 44 has not been canceled and should be included in the claims of Group I.

It is submitted that the restriction between the claimed subject matter of Group I and the claimed subject matter of Group III is improper and should be withdrawn. Contrary to the examiner's assertion, MPEP §806.05(h) "Product and Process of Using" should not be applied to these claims since there is no claimed product. Instead, MPEP §806.05(e) "Process and Apparatus for Its Practice" is applicable. MPEP §806.05(e) states that restriction is proper only if the process as claimed can be practiced by another materially different apparatus or by hand, or the apparatus as claimed can be used to practice another and materially different process.

The independent claims of Group I are claims 33 and 82. The electrical current generating system of claim 33 includes a rotary pressure swing adsorption system for enriching hydrogen in a gaseous feed that includes hydrogen gas. Similarly, the electrical current generating system of claim 82 includes a hydrogen gas delivery system that includes a rotary pressure swing adsorption system. Thus, both apparatus claims relate to a system in which a hydrogen-containing feed gas stream is introduced into a rotary pressure swing adsorption system that adsorbs contaminant in the feed stream.


The independent claims of Group III are claims 104, 113 and 114. The process of claim 104 includes introducing a hydrogen-containing feed gas into a rotary pressure swing adsorption module. The process as claimed in claim 104 cannot be practiced by an apparatus that does not include a rotary pressure swing adsorption module, which module is a feature of the apparatus claimed in claims 33 and 82 as explained above. Similarly, the apparatus claimed in claims 33 and 82 cannot be used to practice a process that does not include introducing a hydrogen-containing feed gas into a rotary pressure swing adsorption module.

The processes of claims 113 and 114 both include adsorbing a contaminant from a hydrogen-containing feed stream. The processes as claimed cannot be practiced by an apparatus that does not perform such adsorption. The systems claimed in claims 33 and 82 can adsorb a contaminant from a hydrogen-containing feed stream since they include the rotary pressure swing adsorption system as explained above. Similarly, the apparatus claimed in claims 33 and 82 cannot be used to practice a process that does not include such adsorption.

For the foregoing reasons, the claims of Group III should be included with those of Group I and examined on their merits in the next Office action. Should there be any question regarding this application, Examiner Le is invited to contact the undersigned attorney at the telephone number shown below.

Respectfully submitted,

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